

SYDNEY A. MENEES (D.C. Bar No. 1027544)
sydney.menees@usdoj.gov
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
4 Constitution Square
150 M Street, NE
Washington, DC 20002
Telephone (202) 514-2398
Facsimile (202) 514-8865

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CITIZENS FOR PENNSYLVANIA'S FUTURE, *et al.*,

Plaintiffs.

v.

ANDREW R. WHEELER, in his official capacity as the Administrator of the United States Environmental Protection Agency,

Defendant.

Case No. 3:19-cv-02004-VC

**JOINT STIPULATION TO
CONTINUE CASE MANAGEMENT
CONFERENCE AND ASSOCIATED
DEADLINES AND [PROPOSED]
ORDER**

1 Plaintiffs Citizens for Pennsylvania's Future, Gasp, Louisiana Bucket Brigade, and
2 Sierra Club (collectively, "Plaintiffs") and Defendant Andrew R. Wheeler, in his official
3 capacity as the Administrator of the United States Environmental Protection Agency
4 (hereinafter "EPA") (collectively, the "Parties"), respectfully submit this stipulation as
5 follows:

6 WHEREAS, on April 15, 2019, Plaintiffs filed the above-entitled action (Dkt. No. 1);

7 WHEREAS, on April 16, 2019, Plaintiffs served the Summons and Complaint in this
8 matter on Defendant (Dkt. No. 11);

9 WHEREAS, the United States Attorney's Office was served with the Summons and
10 Complaint on April 22, 2019;

11 WHEREAS, Defendant filed an Answer to the Complaint on June 14, 2019 (Dkt. No.
12 14);

13 WHEREAS, the Court's Order Setting Initial Case Management Conference and ADR
14 Deadlines ("Scheduling Order") set the Initial Case Management Conference in this matter for
15 July 16, 2019 at 1:30 p.m. (Dkt. No. 10);

16 WHEREAS, the Parties met and conferred on ADR and scheduling on June 13, 2019;

17 WHEREAS, the Parties have agreed to seek a continuance of the deadlines in the current
18 scheduling order to allow them to assess whether to engage in settlement discussions, and – if so
19 – to engage in such discussions;

20 NOW, THEREFORE, the Parties stipulate to and respectfully request that the Court enter
21 an order continuing the pending deadlines for approximately ninety (90) days as follows:

- 22 1. The Initial Case Management Conference shall be continued to Wednesday
23 September 18, 2019 at 10:30 a.m., or at such later date that is convenient for the
24 Court, in order to give the Parties a chance to assess the potential for and possibly
25 begin settlement negotiations without involving the resources of the Court.
- 26 2. The Parties' ADR certifications shall be filed no later than twenty-one (21) days
27 in advance of the Initial Case Management Conference.

28

- 1 3. The Parties' Rule 26(f) Report and Joint Case Management Statement shall be
2 filed no later than seven (7) days in advance of the Initial Case Management
3 Conference.
4 4. The Parties' initial disclosures or objections in their Rule 26(f) Report shall be
5 filed no later than seven (7) days in advance of the Initial Case Management
6 Conference.

7
8 Date: June 24, 2019
9

10 _____
11 /s/ Tosh Sagar
12 TOSH SAGAR, D.D.C. Bar No. D00497 (pro hac vice)
13 Earthjustice
14 1625 Massachusetts Ave., NW, Ste. 702
15 Washington, DC 20036
16 tsagar@earthjustice.org,
17 Tel: 202-667-4500
18 Fax: 202-667-2356

19 *Attorney for Plaintiffs*
20

21 _____
22 /s/ Sydney Menees
23 SYDNEY A. MENEES (D.C. Bar No. 1027544)
24 United States Department of Justice
25 Environment & Natural Resources Division
26 Environmental Defense Section
27 4 Constitution Square
28 150 M Street, NE
 Washington, DC 20002
 sydney.menees@usdoj.gov
 Telephone (202) 514-2398

29 *Attorney for Defendant*
30

1 **[PROPOSED] ORDER**

2 Pursuant to stipulation and for good cause shown, the deadlines set forth in the
3 Order of April 16, 2019 (Dkt. No. 10) are hereby continued as follows:

- 4 1. The Initial Case Management Conference shall be continued to Wednesday
5 September 18, 2019 at 10:30 a.m., or at such later date that is convenient for the
6 Court, in order to give the Parties a chance to assess the potential for and possibly
7 begin settlement negotiations without involving the resources of the Court.
- 8 2. The Parties' ADR certifications shall be filed no later than twenty-one (21) days
9 in advance of the Initial Case Management Conference.
- 10 3. The Parties' Rule 26(f) Report and Joint Case Management Statement shall be
11 filed no later than seven (7) days in advance of the Initial Case Management
12 Conference.
- 13 4. The Parties' initial disclosures or objections in their Rule 26(f) Report shall be
14 filed no later than seven (7) days in advance of the Initial Case Management
15 Conference.

16

17 **IT IS SO ORDERED.**

18 Date: _____

19

20 _____
21 VINCE CHHABRIA
22 UNITED STATES DISTRICT JUDGE

23

24

25

26

27

28